

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEPHANIE WILSON,

Plaintiff,

v.

CHASE BANK USA, N.A.,

Defendant.

NO.

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Chase Bank USA, N.A. ("Chase"), through undersigned counsel, hereby removes the above-captioned action from the Superior Court of the State of Washington in and for the County of Clallam, to the United States District Court for the Western District of Washington, Tacoma Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and respectfully states:

1 1. On or about March 12, 2012, Plaintiff Stephanie Wilson commenced this
2 action against Chase by filing a Complaint in the Superior Court of the State of Washington in
3 and for the County of Clallam bearing number 12-2-00218-8.

4 2. In the Complaint, Plaintiff alleges that Chase violated the Telephone Consumer
5 Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*, by contacting her on her cellular telephone
6 after she had revoked permission to be contacted at that number. (Compl. ¶¶ 5-9.)

7 3. As more fully set out below, this case is properly removed to this Court
8 pursuant to 28 U.S.C. § 1441 because Chase has satisfied the procedural requirements for
9 removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
10 1331.

11 **I. CHASE HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR**
12 **REMOVAL.**

13 4. The Complaint was served on Chase on April 2, 2012. Accordingly, this
14 Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(1).

15 5. The Superior Court of the State of Washington in and for the County of
16 Clallam is located within the Western District of Washington, Tacoma Division. Therefore,
17 venue is proper because the Western District of Washington, Tacoma Division is the "district
18 court of the United States for the district and division embracing the place where such action
19 is pending." *See* 28 U.S.C. § 1441(a).

20 6. No previous application has been made for the relief requested herein.

21 7. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders
22 served upon the defendant, which include the Summons and Complaint, is attached as Exhibit
23 1.

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§ 1331.

9. This action may be removed under 28 U.S.C. § 1441(a) because the Court has original jurisdiction under 28 U.S.C. § 1331.

10. The Supreme Court of the United States has held that U.S. District Courts have federal question jurisdiction over TCPA claims under 28 U.S.C. § 1331. *Mims v. Arrow Fin. Servs.*, 132 S. Ct. 740, 745, 753 (2012). Accordingly, because the Complaint alleges a single cause of action under the TCPA, this Court has federal question jurisdiction over Plaintiff's claim under 28 U.S.C. § 1331.

WHEREFORE, Defendant Chase respectfully removes this action from the Superior Court of the State of Washington in and for the County of Clallam, bearing number 12-2-00218-8 to this Court pursuant to 28 U.S.C. § 1441.

DATED this 1th day of May, 2012.

s/ David A. LeMaster
David A. LeMaster, WSBA 22874
Hackett, Beecher & Hart
1601 Fifth Avenue, Suite 2200
Seattle, WA 98101
Tel (206) 624-2200
Fax (206) 624-1767
dlemaster@hackettbeecher.com
Counsel for Defendant

EXHIBIT 1


**Service of Process
Transmittal**

04/02/2012

CT Log Number 520249212

TO: Carl Del Vecchio
JPMorgan Chase Bank, N.A.
Legal Department, 1 Chase Manhattan Plaza
L3
New York, NY 10005

RE: Process Served in Delaware

FOR: Chase Bank USA NA (Domestic State: N/A)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Stephanie Wilson, Pltff. vs. Chase Bank USA, N.A., Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Cover Sheet, Demand, Complaint, Exhibit

COURT/AGENCY: Clallam County Superior Court, WA
Case # 122002188

NATURE OF ACTION: Violation of 47 U.S.C. Sec. 227 (b)(1)(A)(iii) - Plaintiff sent written notice to defendant revoking permission to contact plaintiff on her cell phone, but, defendant utilized an automatic telephone dialing system and placed several emergency calls to plaintiff's cellular phone

ON WHOM PROCESS WAS SERVED: The Corporation Trust Company, Wilmington, DE

DATE AND HOUR OF SERVICE: By Process Server on 04/02/2012 at 12:30

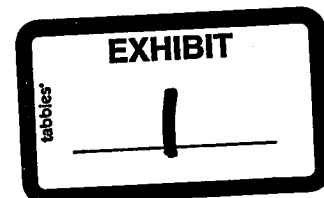
JURISDICTION SERVED: Delaware

APPEARANCE OR ANSWER DUE: Within 30 days after service

ATTORNEY(S) / SENDER(S): Dennis R. Kurz
Weisberg & Meyers, LLC
5025 N. Central Ave.
#602
Phoenix, AZ 85012
888-595-9111 x 412

ACTION ITEMS: CT has retained the current log, Retain Date: 04/02/2012, Expected Purge Date: 05/02/2012
Image SOP

SIGNED: The Corporation Trust Company
PER: Scott LaScala
ADDRESS: 1209 Orange Street
Wilmington, DE 19801
TELEPHONE: 302-658-7581



Page 1 of 1 / AB

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

FILED
CLALLAM COUNTY

MAR 12 2012

BARBARA CHRISTENSEN CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLALLAM COUNTY

12 2 00218 8

STEPHANIE WILSON,

Plaintiff,

vs.

CHASE BANK USA, N.A.,

Defendant.

Case No.

SUMMONS

STATE OF WASHINGTON TO: Chase Bank USA, N.A., c/o the Corporation Trust Company

ADDRESS: CORPORATION TRUST CENTER, 1209 ORANGE STREET,
WILMINGTON DE 19801

A lawsuit has been started against you in the above-entitled court by the above-named Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this Summons.


In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney(s) for the Plaintiff within 30 days after the service of this Summons or default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what he asks for because you have not responded. If you serve notice of appearance on the undersigned attorney(s), you are entitled to notice before a default judgment may be entered.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

Summons - I

Dennis R. Kurz
WEISBERG & MEYERS, LLC
5025 N. Central Ave., #602
Phoenix, AZ 85012
888-595-9111 ext. 412
866-565-1327 facsimile
DKurz@AttorneysForConsumers.com

1 The undersigned hereby certifies that the foregoing is an exact and complete copy of the
2 original Summons in the above-entitled cause.

3
4 
5 Dennis R. Kurz
6 WEISBERG & MEYERS, LLC
7 Attorney for Plaintiff
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Summons - 2

Dennis R. Kurz
WEISBERG & MEYERS, LLC
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Phoenix, AZ 85012
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DKurz@AttorneysForConsumers.com

FILED
CLALLAM COUNTY
MAR 12 2012
BARBARA CHRISTENSEN CLERK

12 2 00218 8

CASE TYPE 2

CLALLAM COUNTY SUPERIOR COURT CASE INFORMATION COVER SHEET

Case Number _____ Case Title Stephanie Wilson v. Chase Bank USA, N.A.
Attorney Name Dennis R. Kurz Bar Membership Number 43735

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

APPEAL/REVIEW

- ☐ Administrative Law Review (ALR 2)
- ☐ Appeal of a Department of Licensing Revocation (DOL 2)
- ☐ Civil, Non-Traffic (LCA 2)
- ☐ Civil, Traffic (LCI 2)

CONTRACT/COMMERCIAL

- ☐ Breach of Contract (COM 2)
- ☐ Commercial Contract (COM 2)
- ☐ Commercial Non-Contract (COL 2)
- ☐ Third Party Collection (COL 2)

PROTECTION ORDER

- ☐ Civil Harassment (HAR 2)
- ☐ Domestic Violence (DVP 2)
- ☐ Foreign Protection Order (FPO 2)
- ☐ Sexual Assault Protection (SXP 2)
- ☐ Vulnerable Adult Protection (VAP 2)

JUDGMENT

- ☐ Abstract Only (ABJ 2)
- ☐ Foreign Judgment (FJU 2)
- ☐ Judgment, Another County (ABJ 2)
- ☐ Judgment, Another State (FJU 2)
- ☐ Tax Warrant (TAX 2)
- ☐ Transcript of Judgment (TRJ 2)

OTHER COMPLAINT/PETITION

- ☐ Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- ☐ Change of Name (CHN 2)
- ☐ Deposit of Surplus Funds (MSC 2)
- ☐ Emancipation of Minor (EOM 2)
- ☐ Injunction (INJ 2)
- ☐ Interpleader (MSC 2)
- ☐ Malicious Harassment (MHA 2)
- ☐ Minor Settlement (No guardianship) (MST 2)
- ☐ Petition for Civil Commitment (Sexual Predator)(PCC 2)
- ☐ Property Damage-Gangs (PRG 2)
- ☐ Public Records Act (PRA 2)

- ☐ School District - Required Action Plan (SDR 2)
- ☐ Seizure of Property from Commission of Crime (SPC 2)
- ☐ Seizure of Property Resulting from a Crime (SPR 2)
- ☐ Subpoenas (MSC 2)

PROPERTY RIGHTS

- ☐ Condemnation (CON 2)
- ☐ Foreclosure (FOR 2)
- ☐ Land Use Petition (LUP 2)
- ☐ Property Fairness (PFA 2)
- ☐ Quiet Title (QT 2)
- ☐ Unlawful Detainer (UND 2)

TORT, MEDICAL MALPRACTICE

- ☐ Hospital (MED 2)
- ☐ Medical Doctor (MED 2)
- ☐ Other Health Care Professional (MED 2)

TORT, MOTOR VEHICLE

- ☐ Death (TMV 2)
- ☐ Non-Death Injuries (TMV 2)
- ☐ Property Damage Only (TMV 2)
- ☐ Victims of Motor Vehicle Theft (VVT 2)

TORT, NON-MOTOR VEHICLE

- ☐ Asbestos (PIN 2)
- ☐ Other Malpractice (MAL 2)
- ☐ Personal Injury (PIN 2)
- ☐ Products Liability (TTO 2)
- ☐ Property Damage (PRP 2)
- ☐ Wrongful Death (WDE 2)

WRIT

- ☐ Habeas Corpus (WHC 2)
- ☐ Mandamus (WRM 2)
- ☐ Restitution (WRR 2)
- ☐ Review (WRV 2)
- ☐ Miscellaneous Writs (WMW 2)

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.
Violation of the Telephone Consumer Protection Act 47 USC § 227.

Please Note: Public information in court files and pleadings may be posted on a public Web site.

FILED
CLALLAM COUNTY

MAR 12 2012

BARBARA CHRISTENSEN CLERK

Superior Court of Washington
In and For Clallam CountySTEPHANIE WILSON

Plaintiff,

Cause No.

12 2 00218 8

DEMAND FOR JURY

vs.

CHASE BANK USA, N.A.

Defendant.

The Plaintiff, STEPHANIE WILSON, hereby elects to have the above entitled cause tried by a jury. The jury demand fee is hereby paid, in the amount of:

☒ Six Member Jury -- \$125.00☐ Twelve Member Jury -- \$250.00Dated this 21 day of March, 2012.By: Dennis R. Kurz
Attorney for PlaintiffAddress: 5025 N. Central Ave. #602
Phoenix, AZ 85012

Phone Number: 888-595-9111 ext. 412

\$125.00 6 person
jury fee pd
3/12/12
DK

FILED
CLALLAM COUNTY

MAR 12 2012

BARBARA CHRISTENSEN CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR CLALLAM COUNTY

12 2 00218 8

STEPHANIE WILSON,

) Case No.

Plaintiff,

) **COMPLAINT**

vs.

CHASE BANK USA, N.A.,

Defendant.

NATURE OF ACTION

1. This is an action brought under the federal Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.

JURISDICTION

2. This Court has jurisdiction under 47 U.S.C. § 227(b)(3).

PARTIES

3. Plaintiff STEPHANIE WILSON ("Plaintiff"), is a natural person who at all relevant times resided in the State of Washington, County of Clallam, and City of Port Angeles.

4. Defendant, CHASE BANK USA, N.A. ("Defendant") is a foreign corporation

Complaint - 1

Dennis R. Kurz
WEISBERG & MEYERS, LLC
5025 N. Central Ave., #602
Phoenix, AZ 85012
888-595-9111 ext. 412
866-565-1327 facsimile
DKurz@AttorneysForConsumers.com

that may be served through its registered agent at: The Corporation Trust Company,
Corporation Trust Cent 1209 Orange Street, Wilmington, DE 19801.

FACTUAL ALLEGATIONS

5. On February 22, 2010, Plaintiff sent written notice to Defendant that revoked any express permission to contact her on her cellular telephone. A true and accurate copy of this notice is attached as Exhibit A.

6. Thereafter, Defendant willfully and knowingly utilized an automatic telephone dialing system and/or an artificial or prerecorded voice to make and/or place multiple non-emergency telephone calls to Plaintiff's cellular telephone number until the calls stopped in June 2010.

COUNT I VIOLATION OF 47 U.S.C. § 227(b)(1)(A)(iii)

7. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 6.

8. 47 U.S.C. § 227 provides:

(b) Restrictions on use of automated telephone equipment
(1) Prohibitions

It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States—

(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice—

* * *

(iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.

9. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system and/or an artificial or prerecorded voice to make and/or place a telephone call to Plaintiff's cellular telephone number.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
- b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(b)(3)(B), in the amount of \$500.00 per violation;
- c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. § 227(b)(3), in the amount of \$1,500.00 per violation;
- d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. § 227(b)(3)(B);
- e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- f) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.

Respectfully submitted this 7th day of March, 2012.

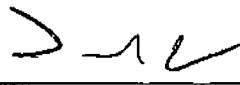

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WA. Bar No. 43735
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EXHIBIT "A"

EXHIBIT "A"

"FDCPA" - § Section 805 15 USC 1692c

[Creditor Name & Address]

Chase
PO Box 13821
Wilmington DE
19850-5821

Two accounts not
sure of #s

Account Number

██████████-5171

Social Security Number

Re: "Engagement Notification"Debt Management Representation - **"Request to Cease Verbal Communication"**

To whom it may concern:

This letter will confirm the fact that I have entered into a debt-settlement program, as I am no longer able to service my debts at their current levels. I am sending this letter to humbly request your office to please remove my phone numbers from your database and contact me through written correspondence **ONLY**. The multiple daily calls from your office are not helping in any way whatsoever to expedite the improvement of my current situation, but rather causing severe, undue stress and merely compounding the situation, making it nearly impossible to remedy the debts in a more timely fashion. I fully understand my financial obligations to you and will attempt to make restitution to the best of my ability, as I do not wish to seek relief in Federal Bankruptcy Court.

As a result of my circumstances, I have been forced to engage the services of Credit Solutions as a measure of dealing with ALL of my debt and not just one individual account, as I have numerous accounts that need reconciliation. Please be advised, from this point forward, I am politely and humbly asking all forms of verbal communication with me to please CEASE. This shall include, but shall not be limited to, my home, work, friends, family and/or places of recreation.

I have provided to Credit Solutions, which now has Limited Power of Attorney and legal authority to speak on my behalf. Please note this fact for your records.

Contact Information: Credit Solutions
12700 Park Central Dr, 21st Floor
Dallas, Texas 75251
(469) 341-1551; (214) 853-5997 fax

At this time, I am requesting that you please close the above-mentioned account and notify each credit reporting agency to which you report, that this closing is at my request. As funds become available Credit Solutions will present your office with a settlement proposal, on my behalf, which will take into consideration the number of outstanding accounts. In conjunction with my current economic situation. Credit Solutions has recommended a savings budget that will help accomplish settlement as expeditiously as possible. Furthermore, should my financial situation improve at any point during my debt-settlement program, Credit Solutions will contact your office with a proposal for settlement ahead of the recommended schedule.

Thank you,

Stephanie M Wilson

Printed Name

Stephanie M Wilson

Signature

Dated

2/22/10

Rev 2/22/10

Operations BE

CSA-CF-00-03

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